

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: §
§
MCCLAIN FEED YARD, INC., et al.,¹ § CASE NO. 23-20084-RLJ-7
§
§
Debtors, § Jointly Administered.

MOTION FOR RULE 2004 EXAMINATION

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Come the interested parties, Meagan B. Goad (“**Goad**”) and Kinsey Moreland (“**Moreland**” and together with Goad, “**Interested Parties**”), by and through counsel, and move the Court, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) for authority to issue one or more subpoenas to CFO Solutions, L.C. d/b/a Ampleo (“**Ampleo**”) and/or any custodian of records to produce information and documents described in the attached subpoena.

Interested Parties respectfully request that Ampleo and/or any custodian of records be required to produce information and/or documents described below for inspection on September 8, 2023, no later than 5:00 pm EST at the offices of Kaplan Johnson Abate & Bird, LLP, 710 W. Main Street, 4th Floor, Louisville, Kentucky 40202.

1. On April 28, 2023 (the “**Petition Date**”), McClain Feed Yard, Inc. (“**MFY**”), McClain Farms, Inc. (“**MFI**”), and 7M Cattle Feeders, Inc. (“**7M**” and collectively with MFY and MFI, “**McClain Debtors**”) filed their voluntary petitions for relief under chapter 7 of title 11 of the United States Code (the “**Bankruptcy Code**”).

¹ The Debtors in these chapter 7 cases are: McClain Feed Yard, Inc. (Case No. 23-20084-RLJ), McClain Farms, Inc. (Case No. 23-20085-RLJ), and 7M Cattle Feeders, Inc. (Case No. 23-20086-RLJ)

2. Prior to the bankruptcy cases, Rabo AgriFinance, LLC (“**Rabo**”) declared defaults under the loan documents and on April 6, 2023, Rabo issued its Default Notice by mail delivery to all of the McClain Debtors and guarantors at the Benton, Kentucky address.

3. Also in April 2023, Rabo entered into an Amended and Restated Forbearance Agreement with the McClain Debtors and guarantors. A requirement of the Forbearance Agreement was the appointment of CFO Solutions, L.C. d/b/a Ampleo as the chief restructuring officer of the McClain Debtors by April 10, 2023. The designated individual by Rabo was Glenn Karlberg.

4. On April 25, 2023, after Mr. McClain’s passing, Rabo initiated its lawsuit against the McClain Debtors in the proper venue, the Western District of Kentucky. See, Case No. 23-CV-55-BJB in the Western District of Kentucky, Paducah Division.

5. Inexplicably, after averring that venue was proper in the Western District of Kentucky for the aforementioned lawsuit, Rabo’s appointed CRO, Ampleo vis a vis Glenn Karlberg, initiated these bankruptcy cases in the Northern District of Texas.

6. Interested Parties seek to examine Ampleo regarding communications between it and Rabo and the decision to file the bankruptcy cases in the Northern District of Texas.

7. Interested Parties further seek to examine Ampleo regarding communications between it and the McClain Debtors.

8. By this Motion, Debtor seeks entry of an Order, pursuant to Bankruptcy Rules 2004 and 9016 requiring Ampleo to produce documents regarding the areas listed on the attached proposed subpoena.

9. Rule 2004 provides that “[o]n motion of any party in interest, the court may order the examination of any entity.” Fed. R. Bankr. P. 2004(a). The information sought may relate to “the operation of any business and the desirability of its continuance, the source of

any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefor, and any other matter relevant to the case or the formulation of a plan.” Fed.R. Bankr.P. 2004(b).

10. Pursuant to Fed.R.Civ.P. 45(a)(4), a copy of the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case to be served upon Ampleo is attached hereto as Exhibit “A.” Interested Parties seek the production of the information and documents described in the subpoena on or before September 8, 2023.

Wherefore, Interested Parties respectfully request that the Court enter an Order authorizing issuance of one or more subpoenas to Ampleo and/or any custodian of records to produce information and/or documents described within the subpoena. A proposed order is tendered herewith.

CERTIFICATE REGARDING CONFERENCE

Pursuant to LBR 2004-1, Interested Parties state that it is unaware of whether Ampleo is currently represented by counsel. This motion only requests authority to issue a document subpoena and not to take a Rule 2004 deposition. Because Interested Parties are not requesting authority to conduct Rule 2004 depositions at this time, Interested Parties submit that the Local Rule 2004-1 meet and confer requirements are inapplicable. Interested Parties will cooperate with Ampleo and its counsel on document production once the subpoena is served.

Respectfully submitted this 28th day of August.

/s/ Charity S. Bird

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Certificate of Service

I hereby certify that on August 28, 2023, the foregoing document was filed with the Clerk of the Court in the above-captioned case using the CM/ECF system, which sent notice of electronic filing to all electronic filing users in the case and on:

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/s/ Charity S. Bird
CHARITY S. BIRD